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24 Attorneys for Defendant ACER AMERICA CORPORATION



16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN FRANCISCO DIVISION**

19 KEVIN EMBRY, an individual, on behalf of
20 himself, the general public and those similarly
21 situated

CASE NO. CV-09-01808 (JW)

22 Plaintiff,
23
24 v.
25
26 ACER AMERICA CORPORATION; AND
27 DOES 1 THROUGH 50
28
29 Defendants

**SECOND STIPULATED REQUEST FOR
ADDITIONAL TIME TO PROVIDE
AMENDED CLAIM FORM AND
PRELIMINARY APPROVAL ORDER**

1 TO THE COURT:

2 WHEREAS, on September 20, 2011, the Court ordered the parties, on or before
3 September 26, 2011, to “revise the Proposed Order to address the question of what relief will be
4 available to those class members whose computers do not have an internal CD drive” (Dkt.# 188)
5 (“September 20 Order”)

6 WHEREAS, on September 28, 2011, in response to the parties’ stipulated request, the
7 Court extended the deadline until October 3, 2011;

8 WHEREAS, Acer has not yet been able (1) to attain approval from Microsoft to distribute
9 the Windows recovery utilities to class members in a format other than CD or DVD, (2) obtain a
10 list of vendor(s) whom Microsoft would approve to create those format(s), or (3) determine the
11 cost of doing so;

12 WHEREAS, Acer must communicate with Microsoft through Acer employees in Taiwan;
13 and

14 WHEREAS, Acer hopes that it will have received the necessary information in the next
15 week or at most the next fourteen days,

16 NOW THEREFORE, THE PARTIES HEREBY JOINTLY REQUEST that the Court
17 extend the time for the parties to comply with the September 20 Order until October 17, 2011.

18 DATED: October 3, 2011

GUTRIDE SAFIER LLP

20 By:/s/ Adam Gutride
21 Adam Gutride
22 Seth A. Safier
23 Attorneys for Plaintiff Kevin Embry

24 DATED: October 3, 2011

25 QUINN EMANUEL URQUHART OLIVER &
26 HEDGES, LLP

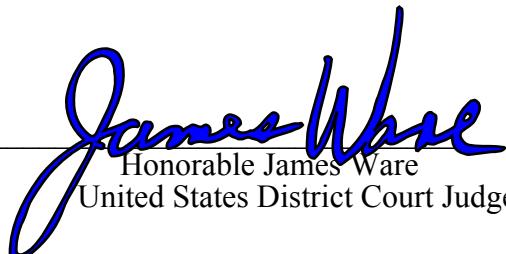
27 By:/s/ Jeff McFarland
28 Jeffery D. McFarland
Stan Karas
A.J. Bedel

SECOND STIPULATED REQUEST FOR ADDITIONAL TIME RE REVISED PRELIM. APPROVAL ORDER-
EMBRY V. ACER, CASE 09-1808

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Attorneys for Defendant Acer America
Corporation

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: October 5, 2011

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Honorable James Ware
United States District Court Judge

SECOND STIPULATED REQUEST FOR ADDITIONAL TIME RE REVISED PRELIM. APPROVAL ORDER-
EMBRY V. ACER, CASE 09-1808